

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Rigoberto Enrique Isaza,  
Plaintiff

v.

Earl Marshal Trotter and Farmers Insurance,  
Defendants

2:15-cv-00632-JAD-GWF

**Order Denying Plaintiff's Motion for  
Default Judgment**

**[ECF 19]**

Pro se plaintiff Rigoberto Enrique Isaza sues Earl Marshal Trotter and Farmers Insurance for breach of contract and seeks a deficiency judgment and declaratory and injunctive relief.<sup>1</sup> Neither defendant has been served or otherwise appeared. Nor has the Clerk of Court entered default against the defendants. Nonetheless, Isaza moves for default judgment on all claims.

Isaza's motion is premature. Unless a defendant has been served under Federal Rule of Civil Procedure 4, the court lacks personal jurisdiction over that defendant.<sup>2</sup> Without personal jurisdiction, the Clerk of Court cannot enter default against a defendant and I cannot enter judgment in a plaintiff's favor.<sup>3</sup> Because Isaza has not satisfied any of these prerequisites, his motion for default judgment is denied.

Accordingly, IT IS HEREBY ORDERED that Rigoberto Enrique Isaza's **motion for default judgment (ECF 19) is DENIED.**

Dated this 25 day of February, 2016

  
Jennifer A. Dorsey  
United States District Judge

<sup>1</sup> ECF 17.

<sup>2</sup> *S.E.C. v. Ross*, 504 F.3d 1130, 1140 (9th Cir. 2007) (citation omitted).

<sup>3</sup> See *J & J Sports Prods., Inc. v. Guzman*, No. 2:12-CV-01483-RCJ, 2013 WL 1003600, at \*1 (D. Nev. Mar. 12, 2013) (outlining the two-step process a plaintiff must follow to obtain default judgment).